

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARTHA JANE TOY, individually,)	
And as Executrix and Personal Representative of)	
Estate of Russell B. Toy, Deceased,)	
PLAINTIFFS,)	
v.)	C.A. No.05-760-JJF
PLUMBERS & PIPEFITTERS LOCAL UNION)	
NO. 74 PENSION PLAN, TRUSTEES OF)	
PLUMBERS & PIPEFITTERS LOCAL UNION NO.)	
74 PENSION PLAN, HEALTH AND WELFARE)	
PLAN, LOCAL 74, a welfare benefit plan,)	NOTICE OF
LIFE INSURANCE PLAN, LOCAL NO. 74,)	
PLAN ADMINISTRATORS OF PENSION AND)	
WELFARE PLANS, TRUSTEES OF)	APPEAL
PENSION AND WELFARE PLANS, LOCAL NO. 74,)	
DEFENDANTS.)	

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, that Martha Jane Toy, Plaintiff in the above-captioned matter, individually, and as representative of the Estate of Russell B. Toy, by and through undersigned counsel, hereby appeals to the United States Court of Appeals for the Third Circuit from the Opinion and Order entered in this matter on July 23, 2007, Denying Plaintiff's Motion for Rehearing as to the issue of Denial of Plaintiff's Motion for Rule 59 Reargument of Memorandum and Order entered July 21, 2006, to Dismiss Plaintiff's Complaint and Granting Defendants' Motion for Summary Judgment.

\s\ JOHN M. STULLL
John M. Stull, Esq. (#568)
1300 N. Market St., #700
P. O. Box 1947
Wilmington, DE 19899
Ph. 302) 654-0399
Attorney for Plaintiff

Dated: August 17, 2007

